

Exhibit A

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

HENRY C. BUHL,

Plaintiff,

vs.

HARRY W. BUTLER AND J&R
SCHUGEL TRUCKING, INC.,

Defendants.

NO. 21C1035

DIVISION

JURY DEMANDED

COMPLAINT

1. The plaintiff is a resident of Hamilton County, Tennessee. The defendant, Harry W. Butler, is a resident of Douglas County, Georgia. He can be served with process at 69 Blackberry Court, Douglasville, GA 30134. The defendant, J & R Schugel Trucking, Inc., is believed to be a foreign corporation who can be served through Rick Schugel at 2026 N. Broadway, New Ulm, MN, 56073. The acts of negligence occurred within Hamilton County, Tennessee. Therefore, this Court has proper venue and jurisdiction of this cause of action.

2. At the time of this collision, the plaintiff, Henry C. Buhl, was operating his automobile in a safe and prudent manner. The defendant, Harry W. Butler, was operating a tractor trailer owned and registered to J & R Schugel Trucking, Inc. The defendant Harry W. Butler was operating the defendant vehicle at the time of the accident while within the course and scope of his employment and while on the business of defendant, J & R Schugel Trucking, Inc., so that the actions of defendant, Harry W. Butler, are directly attributable to J & R Schugel Trucking, Inc. Further, pursuant to T.C.A. §§ 55-10-311 & 55-10-312, Defendant, J & R Schugel Trucking, Inc. is vicariously liable for the acts and negligence of Defendant, Harry W. Butler.

3. The collision between the vehicles occurred at the 1920 block of Northpoint Boulevard.

4. On September 17, 2021 at approximately 6:58 AM, the plaintiff, Henry C. Buhl, was proceeding west on 1920 Northpoint Boulevard in safe and prudent manner. The accident happened during a torrential rain down-pour. Instead of entering the property properly, the defendant, Harry W. Butler, was improperly backing his silver trailer across three lanes of thru traffic, blocking travel from both lanes of travel. The plaintiff was traveling at a safe speed during the torrential rainfall not anticipating that a tractor trailer would be backing into a parking lot, blocking three lanes of traffic when he collided into the defendant's trailer. As a result of this collision, the plaintiff received serious personal injuries.

5. The plaintiff received abrasions and contusions about his body; injuries including but not limited to the cervical, thoracic, and lumbar areas of his spine; a spraining, stretching, and tearing of the muscles, ligaments and tissues in and about his spine, which have resulted in an irritation of the spinal cord. As a result of these injuries, the plaintiff, Henry C. Buhl, required extensive medical care and treatment, incurred substantial expense, and was unable to pursue his normal activities.

6. The plaintiff's injuries may be permanent so that he will require future medical care and will remain unable to pursue normal activities.

7. The defendant, Harry W. Butler, was guilty of common law negligence in the operation of the defendant vehicle in that:

- (a) He did not have the defendant vehicle under due and reasonable control;
- (b) He was operating the defendant vehicle without keeping a reasonably safe lookout for other vehicles traveling on the roadway;

- (c) He improperly backed up without first ascertaining if such a move could be made in safety;
- (d) He improperly blocked three lanes of travel;
- (e) He failed to enter the parking lot normally but chose to back-in to make it easier on him; and
- (f) When he knew or should have known that a collision was about to occur he failed to apply his brakes, change his direction of travel or make any other effort to avoid a collision.

8. The defendant was guilty of statutory negligence in the operation of the defendant vehicle on a public thoroughfare within the State of Tennessee without regard for the safety of others including the plaintiff and in direct violation of the statutes of the provisions of T.C.A. § 55-8-103 and 136 and is, therefore, guilty of statutory negligence per se.

Therefore, the Plaintiff, Henry C. Buhl, sues the Defendants, Harry W. Butler and J&R Schugel Trucking, Inc., and demands judgment for the sum of \$500,000.00. A jury is demanded to try the issues when joined.

Respectfully submitted,

WARREN & GRIFFIN, P.C.

BY: 

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